

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DENTON R. WHITE,

Petitioner,

vs.

DWIGHT NEVEN, *et al.*,

Respondents.

2:09-cv-00400-KJD-VCF

ORDER

This closed action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. On December 7, 2011, this Court entered an order denying the habeas petition on the merits. (ECF No. 46). Judgment was entered on the same date. (ECF No. 47). Petitioner appealed. (ECF No. 48).

On April 12, 2013, the Court of Appeals for the Ninth Circuit entered an order granting petitioner's motion to proceed *in forma pauperis* on appeal. (ECF No. 53). The Ninth Circuit also granted petitioner's motion for the appointment of counsel on appeal. (*Id.*). The Ninth Circuit ordered the Clerk of this Court to "serve this order on the appointing authority for the District of Nevada, who will locate counsel." (*Id.*, at p. 2).

The Federal Public Defender for the District of Nevada (FPD) shall indicate to this Court whether it will accept the appointment to represent petitioner on appeal. If the FPD is unable to

1 represent petitioner, due to a conflict of interest or other reason, then alternate counsel for petitioner
2 shall be located, and the Court will enter a separate order locating alternate counsel.

3 **IT IS THEREFORE ORDERED** that the Clerk of Court **SHALL ELECTRONICALLY**
4 **SERVE** the Federal Public Defender for the District of Nevada (FPD) with a copy of this order,
5 together with a copy of the Ninth Circuit's order of April 12, 2013. The FPD shall have **thirty (30)**
6 **days** from the date of entry of this order to indicate to this Court its ability or inability to represent
7 petitioner on appeal.

8 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL SEND** a copy of this order
9 to the CJA Coordinator.

10 Dated this 16 day of April, 2013.

11
12 

13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26